CLAUSE 1, ETC.

Mr. SPEAKER.—The question is :

"That clause 1, the title and the preamble stand past of the Bill."

The motion was adopted.

Clause 1, the title and the Preamble was added to the Bill.

Motion to Pass

Sri K. PUTTASWAMY.—Sir, I move :

"That the Mysore Agricultural Produce Marketing (Regulation) Bill, 1965 as reported by the Joini Select Committee and as amended be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Agricultural Produce Marketing (Regulation) Bill, 1966 as reported by the Joint Select Committee and as amended be passed "

The motion was adopted.

Mr. SPEAKER.—Now the House will adjourn for half an-hour.

The House adjourned for Recess at Fifty -five Minutes past Two of the Clock and reassembled at Thirty Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair.]

MYSORE SECONDARY EDUCATION EXAMINATION BOARD BILL 1966—(as reported by the Joint Select Committee.

Motion to Consider

Sri S. R. KANTHI (Minister for Education).—Sir, I beg to move :

"That the Mysore Secondary Education Examination Board Bill, 1966, as reported by the Joint Select Committee, be taken into consideration. "

Mr. DEPUTY SPEAKER.—Motion moved :

"That the Mysore Secondary Education Examination Board Bill, 1965, as reported by the Joint Select Committee be taken into consideration.

Sri ANNA RAO GANAMUKHI (Afzalpur).—I will move an amendment to this.

Mr. DEPUTY SPEAKER.—Yes.

Sri ANNA RAO GANAMUKHI.—I beg to move :

" That the Mysore Secondary Education Examination Board Bill, 1966, as reported by the Joint Select Committee be re-committeed to a New Select Committee with instructions to the Committee to make some additional provisions in the Bill, *viz.*,

(i) to lay down guiding principles for determining curricula and syllabi for entire secondary course, to approve the detailed syllabi for the final examination ;

(ii) to formulate general principles for approving text books and sanction them subject to such conditions, if any, as the State Board may deem fit to impose ;

(iii) to change the present designation of the Bill into Secondary Education Board and enlarge its functions as envisaged in Act No. KLI of 1965 of Maharashtra ;

(iv) to establish divisional Boards for every revenue or educational divisions subject to the provisions to be made under this Bill ;

Mr. DEPUTY SPEAKER.—Amendment moved :

" That the Mysore Secondary Education Examination Board Bill, 1966, as reported by the Joint Select Committee be recommitted to a New Select Committee with instructions to the Committee to make some additional provisions to the Bill *viz* :—

(i) to lay down guiding principles for determining curricula and syllabi for entire secondary course, to approve the detailed syllabi for the final examination ;

(ii) to formulate general principles for approving text books and sanction them subject to such conditions, if any as the State Board may deem fit to impose.

(iii) to change the present designation of the Bill into Secondary Education Board and enlarge its functions as envisaged in Act No. KLI of 1965 of Maharashtra ;

(iv) to establish divisional Boards for every revenue or educational divisions subject to the provisions to be made under this Bill.

Sri ANNA RAO GANAMUKHI.—Again I have given additional reasons ; that has not been provided to me. I have said that the Bill should not have been referred to a Joint Select Committee because as is envisaged by Rule 74 (4) of the Rules of Procedure and Conduct of Business :

" No motion that a Bill be referred to a Joint Select Committee shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 of the constitution ;

Mr. DEPUTY SPEAKER.—Is it part of the amendment you are reading? I want the text of the amendment.

Sri ANNA RAO GANAMUKHI.—In the text itself I have given additional reasons for re-committal of this Bill to the Select Committee of this House. Probably, the Secretariat has not included that additional reason. The additional reason is: Some of the clauses as reported by the Joint Select Committee were in confict with Art. 199 (b) of the Constitution;

and this is against the principle enunciated in Rule 74 of the Rules of Procedure; because in this Bill, there are two provisions where the content of clauses (a) to (f) of Article 199 of the Constitution come into play. That is to say, this Bill is hit by Article 188 (f) and no Member from the Council can be included in the Select Committee that is, the Bill cannot be considered by a Joint Select Committee. This is a Bill in which there are financial provisions, I have said the Joint Select Committee is irregular. Since this was a Money Bill, a Select Committee constituted purely of the Members of this House only should go into it.

Mr. DEPUTY SPEAKER,—Let me first have the full text of the amendment.

Sri ANNA RAO GANAMUKHI.—I have given it to the Office.

Mr. DEPUTY SPEAKER.—Is the Member arguing over the amendment?

Sri ANNA RAO GANAMUKHI.—Yes. The Bill should not have been referred to a Joint Select Committee.

Mr. DEPUTY SPEAKER.—When the Report of the Joint Select Committee is already before us, does he want to argue that it should not have gone to the Joint Select Committee?

Sri ANNA RAO GANAMUKHI.—That is the question before us. The Joint Select Committee had no right or power to report on a Bill in which there are financial provisions as contained in clauses (a) to (f) of Article 199.

I have given the additional reason. It does not appear here. Therefore, I am reading my amendment. I have said that this Bill should not have been referred to the Joint Select Committee under the sub-rule of the Rule 74 of the Rules of Procedure because clause 20 of the Bill states that the salary and allowances of the Vice-Chairman, the Secretary and the other officers and servants of the Board shall be met from the Consolidated Fund of the State. Let me read the article of the Constitu tion. There is a difference between money bills and financial Bills. I do not say it is a money Bill. But it is definitely a financial Bill. Sur-rule (4) of rules 74 says;

> "No motion that a Bill be referred to a Joint Select Committee shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 of the Constitution."

That means there is a bar. The rules of procedure do not allow this House to refer to a Joint Select Committee a Bill wherein there are provisions touching article 199 of the Constitution. Sub-clause (4) does not say it pertains to a money Bill. It says clauses (a) to (f) which includes financial Bill. If there are provisions in a particular Bill touching clauses (a) to (f) of article 199, no joint select Committee can deliberate upon such matters and it cannot be referred to a Joint Select Committee. When there is a bar according to the rules of procedure, then whatever proceedings have taken place, cannot be relied upon by this House because they are not valid according to me. Clause 20 of the Bill refers to salaries and allowances of the staff. Vice Chairman, Secretary and other officers. Definitely, this is a corporate body and the provisions of this Bill infringe the clauses (a) to (f) of article 199 of the Constitution.

Mr. DEPUTY SPEAKER.—You refer to Rule 74(4). That applies before a Bill is referred to the Select Committee. Now the Bill has already been referred to the Joint Select Committee and a report has already been received. The Member arguing after the whole thing is over.

Sri ANNA RAO GANAMUKHI.—An invalid thing cannot be made valid. Is there any rule in the Rules of procedure that if an irregular thing is done in contravention of the rules of procedure, it cannot be considered by this House ? Validity can be questioned at any stage. There is no bar against it. Because no member raised this question or the House allowed it, it does not mean we can continue with this Bill.

[Mr. Speaker in the Chair]

Shall I repeat my argument ?

Mr. SPEAKER.—I have heard what the hon. Member has said.

Sri ANNA RAO GANAMUKHI.—According to me this Bill ought not to have been referred to a Joint Select Committee.

Mr. SPEAKER.—That is a point which is absolutely untenable. The House referred it. What was the Member doing at that time ?

Sri ANNA RAO GANAMUKHI.—I expected this question from you. If I did not advance any argument at that time, does it become legitimate now ?

Mr. SPEAKER.—I am glad the Member has anticipated it very intelligently. But his answer is thoroughly unsatisfactory. I will mention one more impediment that you are a member of the Committe which has submitted this report.

Sri ANNA RAO GANAMUKHI—Though I am a member of the Cam mittee, I am not estopped from rasing any point.

Mr. SPEAKER.—It is a good point not raised till action is taken and later on you say that action taken is bad. You could have saved so much of money, expenditure and labour of so many Members of the Assembly.

Sri ANNA RAO GANAMUKHI.—Why should we have rules of procedure and conduct of business ?

Mr. SPEAKER.—Why did the Member not look into the rules of procedure earlier ?

Sri ANNA RAO GANAMUKHI.—That is no argument.

Sri H. R. KESHAVA MURTHY. (Gandasi).—Under what rule you say that the Bill ought not to have been referred to Joint Select Committee ?

Sri ANNA RAO GANAMUKHI.—Rule 74 (4), It says :

"(4) No motion that a Bill be referred to a Joint Select Committee shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 of the Constitution :

There are two provisions in this Bill which infringe article 199.

Mr. SPEAKER.—What is your amendment ? Is the Member saying that this is the amendment and so the whole Bill should be thrown out ? Let us know what it is. He has given notice of an amendment which says that "the Mysore Secondary Education Examination Board Bill 1966 as reported by the Joint Select Committee be re-committed to to a new Select Committee with instructions to the Committee to make some additional provisions etc "

Sri ANNA RAO GANAMUKHI.—Not a joint select committee, but a select committee of this House. And I have also mentioned that it is in consonance with rule 74 (4) of the Rules of procedure.

Mr. SPEAKER.—Will the member kindly consider that even in the amendment which he has given, he does not say that the Joint Select Committee Report should be set aside. All that he says is that it should be recommitted. That does not mean that the next committee should supersede this.

Sri ANNA RAO GANAMUKHI.—By implication it means that Sir. I need not say that it is invalidated. I do not say that they have not done good work. It has done a good job. But it came to my mind that the Joint select committee business was not proper because it is not in consonance with sub-rule (4) of rule 74. The Joint Select Committee has done a good job. Why should I say anything bad about it ? I only say that it is not in conformity with the rules.

Definition of a Money Bill as laid down in article 199 is :

"199 (1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely—

(a) the imposition, abolition, remission, alteration or regulation of any tax ;

(b) the regulation of the borrowing of money or the giving of any guarantee by the State or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State.

Article 207 defines a Financial Bill as follows :

"207: (1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislation Council."

Money bill is defined in article 199 and Finance Bill is definied in article 207. Therefore, whichever is the case, if this happens to be a Finance Bill, then I think Sir, this report becomes invalid, because it is considered by the Joint Select Committee, and the Members of the other House also have participated. Therefore it is not valid. Now, Sir, I leave this point there.

I am very sorry Sir, that this point I could not raise earlier because I did not see the rules of Procedure. It is not with a view to obstruct the proceedings.

Mr. SPEAKER.—I have no doubt about his bona fides.

Sri ANNA RAO GANAMUKHI.—I had to say that because Sir, you asked me, why I did not raise this question earlier.

I have raised this objection according to the rules and it is up to the House and to you to decide whether the proceedings of the Joint Select Committee are valid or legal or correct.

Mr. SPEAKER.—Which are the clauses of the Bill which the member says have offended article 199 ?

Sri ANNA RAO GANAMUKHI.—Clause 20 dealing with salary and allowances of the Vice-Chancellor. Clause 15 (i) dealing with the borrowing of monies. It says :

"to borrow moneys with or without security for such purposes as may be approved by the State Government from the Central Government, the State Government or incorporated bodies approved by the State Government subject to the provisions of this Act."

Mr. SPEAKER.—Clause 15 (i) gives power to the Institution to borrow money.

Sri ANNA RAO GANAMUKHI.—It is regulated by the Government.

Mr. SPEAKER.—I am not able to follow what he says. Article 199 says :

"(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters : **

(b) the regulation of the borrowing of money or the giving of any guarantee by the State or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State."

If I borrow then also article 199 comes in the way is it ? When it is not said, by anybody, then he has to bring it under clause (b) by saying

(MR. SPEAKER)

this institution which is going to be created under this legislation namely the Secondary Education Board is the one covered by article 199.

Sri ANNA RAO GANAMUKHI.—You cannot put a narrow interpretation upon the provisions of the Constitution Sir. It has to be comprehensively interpreted. In every commentary they say that no narrow interpretation should be put upon the constitutional provisions. If there is a condition, 'approval of the Government' then it is offended.

Mr. SPEAKER.—Let us be clear. Under clause (b), there are three categories mentioned :

regulation of borrowing of money,
giving guarantee by the State Government,
amend ment of law with respect to financial obligation

You come only under the first category is it not ?

Sri ANNA RAO GANAMUKHI.—Yes.

4-00 P.M.

Mr. SPEAKER.—To that extent it is clear ; but 'borrowing' by whom ?

Sri ANNA RAO GANAMUKHI.—By any institution or corporation or society.

Mr. SPEAKER.—The opening words in article 199 are "For the purpose of this Chapter" and what is this chapter ? It is about State Legislature.

Sri ANNA RAO GANAMUKHI.—Borrowing by the States and bringing forward legislation from time to time—all these things are laid down in articles 292 and 293. Therefore, that question does not arise here. The definition of Money Bill is also there. What is not a Money Bill is given in clause (2) of article 199. I was saying, Sir, that this Bill is definitely a financial Bill ; it is not a Money Bill.

Mr. SPEAKER.—If the Hon'ble Member goes on developing complicated matters, we can go on till tomorrow.

Sri ANNA RAO GANAMUKHI.—I will now go to another point. Our friend the Education Minister has brought forward this Bill limiting its scope only to examinations ; he is creating a corporate body for holding only examinations. As the House knows, the whole Bill is based on the various sections of the former Bombay Act of 1948. Very recently the Maharashtra Government has passed an Act and if they see our Act, they will be laughing in their hearts.

Mr. SPEAKER.—He should not attribute to the Maharashtra Government such a bad thing ; they have the highest respect for our legislature. I have heard it said by the Speaker of the Maharashtra Legislature himself.

Sri ANNA RAO GANAMUKHI.—Our Education Minister said in his introductory speech that there are three or four States where this Act

is in operation. But there is not a single State having such an Act, to my knowledge, limiting the scope only to examinations.

Sri S. R. KANTHI.—That does not preclude me from bringing this Bill here. His arguments are not tenable. It has gone to the Select Committee and now he must say why it should be re-committed to a new Select Committee. Aruging on the strength of article 199 is to say that the Bill is bad in law and as such it has to be thrown out, and it cannot be re-committed to a new Select Committee. The Hon'ble Member says that the scope of the Bill is limited ; it is so. Neither of my Hon'ble Friends have looked into all these matters.

Sri ANNA RAO GANAMUKHI.—I am making a few suggestions. He has got the majority and if he wants, by all means he can get it passed. The Maharashtra Act embodies three things *viz.* examinations, curriculum and syllabus.

Sri ANNA RAO GANAMUKHI.—Under Section 18 of the Maharastra new Act.....

Mr. SPEAKER.—With regard to the validity, I am not going to look into it.

Sri ANNA RAO GANAMUKHI.—In clause 18 it is stated about the guiding principles to be adopted ; the syllabus, the standard of text books leading the final examinations are all stated there. But here all these including the holding of the examination come under one Board. If the Hon'ble Minister wants to include all these good points of Maharastra, it is better in the interest of education. Shall I say that a body which holds examination does not appear to say by what standard the students should be judged and how to issue certificates to the students, and what precedes the examination and what follows the examination. All these things are important. Instead of doing this, if he comes before the House saying that this body will examine whatever the text books prescribed and whatever the syllabus adopted, what will be the value it will have under this Act ? I will only say that I have sent my dissenting note and also some amendments. At the time of moving my amendments I explain the position clearly.

Mr. SPEAKER.—Has Sri Suryanarayana Rao, got anything to say ? I do not want to shut out any member from participating. The Member should not go with a feeling that he was not given a chance.

Sri K. S. SURYANARAYANA RAO.—I do not go to the merits' of the Bill. I will draw the attention of the Chair and request the Chair not to take up this matter because it is against the rules of procedure and it is against the Constitution and all that. The Hon'ble Speaker may give us the benefit of his ruling regarding this.

Mr. SPEAKER.—I do not want to give any ruling. Please do not repeat what has already been said. If there is anything new the Member may speak.

Sri K. S. SURYANARAYANA RAO.—I do not want to repeat what Sri Annarao has stated. Under Article 199 of the Constitution this ought not to have been referred to the Select Committee of both the Houses. A doubt arise whether it is a Money Bill or a Finance Bill

or Ordinary Bill we are either guided by Article 199 or 207. If it is a Money Bill the previous consent of the Governor is necessary and this Bill should been introduced in the Lower House alone and this matter should not have be referred to a Joint Select Committee. If we go to Art. 207 it suggests that this is a financial Bill. If nothing prevents the Bill being moved in the Upper House, I am afraid, whether there has been the Governor's assent for the introduction of this Bill, and I believe it goes to the root of the subject and the fundamentals of this Bill. Before introduction of this Bill, the consent of the Governor is necessary whether it is money Bill or Financial Bill. The whole thing becomes illegal. Therefore, we want to know there has been Governor's consent given to this Bill. Granting that there has been Governor's consent we want to know whether this could be referred to a Joint Select Committee of both the Houses against the rules of procedure and against the provisions of the Constitution.

Mr. SPEAKER.— Is the Member raising a point of order ?

Sri K. S. SURYANARAYANA RAO.—Yes, Sir.

Mr. SPEAKER.—Is he raising a point of Order ? Sri Annarao is bringing an amendment. Sri Annarao is not raising any point of order. There is contradiction. Anyway Sri Suryanarayana Rao has raised a point of order. I will proceed with that point of order.

It starts from the footing that the Bill under consideration now is a Money Bill. If it is a Money Bill, it is said that under Rule 74 (1) Proviso of the Rules of Procedure, it could not be referred to a Select Committee. Article 199 deals with Money Bills. If ever there is a doubt that a particular Bill is a Money Bill, the Speaker's ruling is final. When the Bill was introduced, debated upon and ultimately referred to a Select Committee, there was no point raised by anybody that it is a Money Bill. Nor was the point now raised by Sri Suryanarayana Rao that it is also under article 207, namely that it required the consent and authority of the Head of the State before it was introduced. But it is contended that it is not valid proceedings if under the Constitution they are intrinsically, ab initio, void. The argument may seem plausible on the footing that the Bill is a Money Bill. Money Bill has been subject to ruling on various occasions. Here, I wanted to clarify my ideas by asking as to what are the provisions that constitute a Money Bill. The answer was given that under article 199 (2), first part of it, namely borrowing money or guaranteeing borrowing of money particularly the borrowing of it. Makes a Money Bill. That idea of guaranteeing money by the Government brings it under the viciating influence of article 199. The question that was put was borrowing by whom and guarantueeing by whom and whose debt ? The answer was rather not quit clear to my mind. But anyway, I have carefully considered the provisions of the Bill and I do not think it is a Money Bill. A Money Bill proposes to levy taxes and the contents as to when it becomes a Money Bill is found in article 199.

Sri S. SIVAPPA (Shravanabelogola).—Drawing money from the Consolidated Fund is a Money Bill.

Mr. SPEAKER.—If Members go on talking and giving new ideas I do not allow. However, with this point, I will deal. Hereafter there must be a limit.

Article 199 say's "for the purpose of this chapter, a Bill shall be deemed to a Money Bill if it contains only provisions dealing with all or any of the following matters, namely' Clause (b) "the regulation of borrowing money". It is these words, namely, regulation of borrowing money that are found in this Bill, which brings it as a Money bill. The regulation of borrowing money by the State, is the idea that is to be read in article 199. It does not mean borrowing by anybody, but borrowing by Government, giving of guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State.

Then, at the time, when I am dictating the ruling, the Hon'ble Leader of the Opposition wants to suggest that the provision clause (c) offends against the present Bill or attracts it. The definition of the Money Bill.....

Sri S. SIVAPPA.—And also (e) the declaring of any expenditure.

Mr. SPEAKER.—It is now said clauses (c) and (e). So I will deal with both.

Sri S. SIVAPPA.—In clause 20 it is clearly stated consolidated fund of the State.

Mr. SPEAKER.—What does it matter?

(Sri Revana Siddappa stood up to speak)

Mr. SPEAKER.—The Hon'ble Member will kindly resume his seat. He seems to be thinking in a light hearted manner.

Sri RAVANA SIDDAPPA.—Sir.....

(Interruption)

Mr. SPEAKER.—Order. Order. If the Hon'ble Member does not want to Obey the chair he is at liberty to retire. He should not interfere with the work of the others.

It is now said clauses (c), (d) and (e) might be relevant and might come into operation. Clause (c) says that the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of menys from any such Fund". There is no such expression here authorising any particular amount to be drawn or to be repaid.

Sri K. S. SURYANARAYANA RAO.—Clause 20 positively refers...

Mr. SPEAKER.—Have I not read Clause 20? That was the first clause that I read. By passing the supplementary demand, a particular amount, the Appropriation Bill says it—this amount be drawn and this amount be repaid, in any reference to any consolidation bill.

Then (d) says "the appropriation of moneys out of the Consolidated Fund of the State"—This is exactly the case which happens in Appropriation Bills. Therefore, this does not apply to the Bill under consideration now.

(Mr. SPEAKER)

(e) says "the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure". There is no charge created there. Where is the charge created ? Simply because certain words are used, we should not interpret them in any manner. So far as clause (e) is concerned, it should be a charge on the Consolidated Fund. The technical expression 'charge' is illustrated by the expenditure which is charged under the Budget. Expenditure like salary of the Speaker—that is charged and it cannot be debated, and in this Bill there is no expenditure charged like that. The whole Bill has been discussed threadbare and it is going to be discussed to the extent possible even now. There cannot be any indefinite charge for an unknown amount. A charge always must be for a precise amount at a particular time to be drawn. That is charge,

Sri K. S. SURYANARAYANA RAO.—Sir, the point is this. A reference was made to 199 (c) in 20. Payment into the Consolidated Fund ; that is 20 (2). "The Board shall pay every year out of the Board fund to the State Government..." 20 says that "the salary and allowances...shall be met from the Concolidated fund of the State." Therefore, there is contribution to the Consolidated Fund and withdrawal from the Consolidated Fund.

Mr. SPEAER.—When all this has been dealt with, the Hon'ble Member Sri Suryanarayana Rao raises another point, namely that in clase 20 of the Bill as reported upon by the Joint Select Committee, there are the words saying that certain amounts may be paid into the Consolidated Fund and therefore the wording in clause (c) in article 199 is fully attracted and therefore this is a Money Bill. But the Hon'ble Member overlooks the other provisions of article 199. Article 199 expressly provides that where a Bill deals with that topic only-I particularly refer to the wording 'shall be deemed to be a Money Bill if it contains only provisions....." Where the primary object of the Bill is to deal with the Consolidated Fund or the Contingency Fund of the State, the payment of money into or the withdrawal of money from any such Fund—that is why a Money Bill and a Finance Bill are often times not properly understood with regard to their scope.

4-30 P. M.

A reference to a consolidated fund or a reference to payment to the consolidated fund does not make every Bill a money Bill. I have every reason to think that all the members who have participated have felt like that.

Sri K. S. SURYANARAYANA RAO.—Sir, you did not mention anything about Art. 207.

Sri ANNA RAO GANAMUKHI.—If it is not a money Bill and it is a financial Bill, then also it comes under.. ...

Mr. SPEAKER.—I will deal with it. If the member claims that as a matter of right, all that I can say is, that entirely out of order.

The Hon'ble member Sri Anna Rao Ganamukhi was a member ofthe Joint Committee also. I admire his frankness when he says that this aspect did not strike him at al' when he moved the amendment or he thought of moving the amendment. But it only goes to coufirm that he never felt that it was a money Bill till that time. Sri K. S. Suryanarayana Rao raised another point saying that the consent of the Governor is necessary or authority from the Governor is necessary for its introduction when it is a money Bill or Finance Bill. Along with the point raised by Sri G. Anna Rao I may also deal with the point raised by Sri K. S. Suryanarayana Rao who wants me to consider this as a Finance Bill if not as a Money Bill. This Bill to constitute a Secondary Education Examination Board is not such a Finance Bill nor it is a Money Bill, but this is a financial Bill, as to how it becomes a Finance Bill has not been made clear except by reference to a certain fund that might be created.

Sri K. S. SURYANARAYANA RAO.—Article 207 of the Coustitution.

Mr. SPEAKER.—Creation of a fund does not mean a Finance Bill. Finance Bill means imposition of taxes, collection of money from others.

Sri ANNA RAO GANAMUKHI.—Certain proposals relating to drawing of money from the consolidated fund is there

Mr. SPEAKER.—Any how there is this solution for the last point—Governor's authority. The members must have studied all this before hand.

Sri ANNA RAO GANAMUKHI.—I have stated it is a Financial Bill.

Mr. SPEAKER.—Whether the Governor's authority is there or not. he must make enquiries.

Sri S. SIVAPPA.—Sir, Art. 207 is very clear.

Mr. SPEAKER.—Now I must draw the line somewhere. I have nothing to do with the merits of the amendment moved by Sri Anna Rao. I have clarified the position. Only for the purpose of member's understanding the position also as to whether the Speaker has to come to conclusions whether it is a money Bill, I have indicated my views already.

I suppose the Hon'ble Minister is opposing the amendments.

Sri S. R. KANTHI.—Yes.

Sri K. S. SURYANARAYANA RAO.—Sir on the amendment you want to say...

Sri C. J. MUCKANNAPPA.—Sir, yesterday you were pleased to say that we are going today somewhere.

Mr. SPEAKER.—No ; members did not agree. One thing that was definitely agreed upon is we will finish this Bill and take up the taxation Bill after that. I said all right. Let the time be utilised for this.

Sri K. S. SURYANARAYANA RAO.—The point I would like to make out is, Sri G. Anna Rao has pertinently moved the amendment. The Government wants to constitute this Board not for the sake of improving the administration but it is only for holding examinations.

(SRI K. S. SURYANARAYANA RAO)

It is just an administrative act which can be done even by a branch of the Government because it does not require any special attention as to constitute such a laborious process of going through this Board. If the Government really intends to improve the standards, which they profess to do—many times they have intended to do—they must have done some original thinking about secondary education. If that had been done, it is but proper that such a board is necessary. When such a Board is necessary it should not do merely the work of a clerk or an administrative officer of putting up a time-table or holding examination, sending up papers for correction or supervise correction, declare results and issue certificates. It does not require any highly paid officer like Additional Joint Director of the highest cadre for this purpose. Therefore the purpose of the Bill should be to advise the Government on matters of policy with regard to secondary education. But, how this has to be done? It is for this Board to suggest from time to time policies with the experience they will have gained by conduct of examinations by looking into the standards of boys and all that. They have to see whether the intake of these boys in secondary education is sufficient, whether standards are upto the prescribed standards, what should be equipment and curriculum, method of examination, whether the method of examination should be mere textbook type of examination or whether there should be any other method by which we can gauge and evaluate the merits of the boys, etc. Therefore this is a special aspect which the Board should do. As a matter of fact today for the secondary education department it may not be possible to do all this because most of their time is lost in dealing with routine matters. As I have said this type of work should be entrusted to this Board. If the Board has to undertake conduct of examinations, is it the opinion of the Government that the Director of Public Instruction will concentrate on policy matters, of research matters or of other educational aspect? I am afraid they will have many more administrative problems—as matters of affiliation matters of equipment, matters of grant in aid, recruitment. etc. Therefore we have to create an independent machinery to look in administrative side of the secondary education. This is not what is contemplated now. Sir, it is very nice of the Maharashtra Government to have a consolidated Act, wherein all these matters are brought in. The authority to hold the examination is the authority to prescribe the standards. They are the prescribing authority of the Text books; they are the authority to lay down the policy matters and they are the people to guide and advice the Government in technical matters also. Therefore, what Sri Annarao has said is perfectly in consonance with the Maharashtra Act. There is move for common pattern of educational development in the country. It would be in tune with the trends in the country. If we want to go slow, as if in a cart in this jet or supersonic age, by all means we can go and it takes generations for us to develop. Instead of that, let us take the latest

methods; let us be guided by the experience of others. And if an expert body is to be saddled with limited work of holding the examinations, the purpose will not be served and the monies of the State will not be fully, properly and well utilised. Therefore, I earnestly request that this aspect of the matter may bear weight on the Hon'ble minister, because he has to bear the whole burden. As we all know the standard of education has come down. If the Minister has in mind to improve the standard of education, the only way to do it is by entrusting this Board with all the auxiliary matters such as prescribing standards, curriculum, text books, research and other programmes, instead of having a Research Wing attached to department. There will be one way of thinking and one object to think about, and you can constitute several sub-committees of experts, who could deal with these matters. Otherwise, I am afraid, a time will come when the Minister, perhaps, will come before us for the constitution of a second Board with another Joint Director as the head with a Secretary attached to him to deal with matters unconnected with the Director of Public Instruction or this Board of Examination, because it is such a huge Department. Therefore, instead of duplicating, triplicating or confusing the things, I request the Hon'ble Minister to bestow a little more thought. Of course, if he minds, he can have the Bill passed today; there is no difficulty. But, I want him to think about it, and if he really and seriously thinks, it would be better.

Mr. SPEAKER.—The Hon'ble member has exhausted discussion not only on the amendment, but also the debate on the Bill.

Sri K. S. SURYANARAYANA RAO.—The Select Committee can look into these matters.

Sri S. R. KANTHI.—Sir, I am not going to add anything more than saying this. All these arguments were advanced before this Bill was sent to the Select Committee. It is quite clear that it is only meant for examination and nothing more.

Mr. SPEAKER.—Being a member of the Select Committee, how far Sri Annarao can attack the Report itself or move an amendment.....

Sri ANNA RAO GANAMUKHI.—I have only said that additions should be made.

Mr. SPEAKER.—If this is not an attack on the Report, what else is it? Anyway, it was moved at a time when I was not here. Being a member, he must have said everything before the Committee. The Committee Report will cover all the points and the only question is, on the basis of the Report whether any amendment is necessary or not.

Sri ANNA RAO GANAMUKHI.—I was not able to get the Maharashtra Act. Only day-before-yesterday I saw it. It is a very comprehensive one, it is passed only in 1965 and it is a recent Act.

Sri S. R. KANTHI.—I have said that I am not going to accept the Maharashtra Act. It is a reflection on me.

Sri ANNA RAO GANAMUKHI.—I have said in the Select Committee whatever I had to say and the Select Committee also have accepted many of my suggestions.

Sri S. R. KANTHI.—I do not what to say what happened in the Select Committee. I am not going to be allowed to say all that. All that has been said in the dissenting note has been discussed in the Committee and they have rejected it.....

Mr. SPEAKER.—I do not understand how the Hon'ble Member and the Hon'ble Minister can possibly differ ? Both of them are right. Whatever the Member did not agree, was not embodied in the amendment and he noted it in the dissenting nrte. Whatever he suggested, is found there. He did say that several of his suggestions were accepted.

Sri ANNA RAO GANAMUKHI.—Sir, the recent amendment is completely based on the Maharashtra Act.

Mr. SPEAKER.—My great difficulty is this. Just because the Member got the book later, can we amend the rules ?

Sri ANNA RAO GANAMUKHI.—I asked for any Act from anywhere, but no book was available. Should we not develop ourselves ? I was enlightened by this Act. It is left to the House.

Mr. SPEAKER.—Shall we have the debate on the Report or both on the Report and the amendment together ?

Sri S. SIVAPPA.—Let the amendment and the Bill be discussed together.

Mr. SPEAKER.—I am going to put it to the vote at 5-45 p.m.

Sri C. J. MUCKANNAPPA.—It is on agreement that we sat at 11-30 a.m.....

Mr. SPEAKER.—Who is responsible ? It is Sri Muckannappa who is responsible.

Sri C. J. MUCKANNAPPA.—Let us rise at least at 5 'O Clock Sir.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸ್ವಾಮಿ, ಈಗ ಸೆಕೆಂಡರಿ ಎಜುಕೇಷನ್ ಬೋರ್ಡಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಬಿಲ್ಲಿನ ಬಗ್ಗೆ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿ ಕೊಟ್ಟಿರುವ ವರದಿ ಮತ್ತು ಒಂದು ತಿದ್ದುಪಡಿ ಸಹ ಸಭೆಯ ಮುಂದೆ ಇದೆ.

Mr. SPEAKER.—I am not adjourning the House till the Bill is over. I have made it very clear. I do not want any opposition when the hon'ble the Leader of the Opposition is on his legs.

Sri K. S. SURYANARAYANA RAO.—If it is the intention that we should sit as long as it lasts, we on this side would feel that fatigue would overtake us. May be, you may have sufficient strength to sit. But, this Side of the House, we are almost breaking. Sir normally we sit from One to Six. Whatever be the developments in the House, we must at least stick to the principle of sitting at a proper time. Otherwise, to sit till mid-night and sit longer, we will have to come like almost school children. I am sorry to use that expression.

Mr. SPEAKER.—I shall only make the position very clear to the House. Perhaps, I was wrong in allowing a long discussion on the amendment. When the ruling was being given, how many times I was disturbed ! I am trying to convince the Members and trying to take them with me. After spending one hour, if they think that I am treating them as school children !

Sri H. R. KESHAVA MURTHY.—Let us not be treated as human machines.

Mr. SPEAKER.—Order, order. This hon. member is making it worse. (*laughter*) I will not allow any kind of discussion of this type. One hour was spent...

Sri S. SIVAPPA.—Very usefully spent, Sir.

Mr. SPEAKER.—Yes, very usefully spent. I said yesterday that this Bill will go on from 3 P. M. to 6 P. M.

Sri C. J. MUCKANNAPPA.—With great respect to the Hon. Chair, it was a specific understanding that we will sit between 11-30 A. M. and 5 P. M.

Mr. SPEAKER.—All right ; till 5 P. M. we will go on. Let me get yesterday's proceedings. Sri Sivappa may continue.

† ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಈಗ ನಮ್ಮ ಮುಂದೆ ಇರತಕ್ಕ ಈ ಮಸೂದೆ ಬಗ್ಗೆ ಒಂದೆರಡು ಮಾತು ಹೇಳಲು ಬಯಸುತ್ತೇನೆ. ಈ ಸಭೆಯಲ್ಲಿ ಮಸೂದೆಯು ಮೇರೆ ಚರ್ಚೆ ನಡದ ಕಾಲದಲ್ಲಿ ನಾನು ಹೇಳಿದ್ದೇನೆಂದರೆ, ಇದನ್ನು ಆತುರ ಆತುರವಾಗಿ ಸಭೆಯು ಮುಂದೆ ಇಟ್ಟಿದ್ದೀರಿ, ಇದನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳ ಬೇಕು ಇಲ್ಲವೆ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಿ ಇದರಲ್ಲಿ ಬದಲಾವಣೆ ಮಾಡಬೇಕು ಎಂದು ಸೂಚನೆ ಮಾಡಿದ್ದೆ. ಈ ಮಸೂದೆ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಿ ಅಲ್ಲಿ ಕೆಲವು ಬದ ಲಾವಣೆ ಮಾಡಿ ಈಗ ನಮ್ಮ ಮುಂದೆ ಇದು ಬಂದಿದೆ. ನಾವು ಕೊಟ್ಟ ಸಹಹೆ ಪ್ರಕಾರ ಯಾವ ಪ್ರಾಮುಖ್ಯವಾದ ಬದಲಾವಣೆಯೂ ಇದರಲ್ಲಿ ಆಗಿಲ್ಲ. ಆದುದರಿಂದ ಈಗ ಸೂಚನೆ ಮಾಡುವುದು ಎನೆಂದರೆ, ಮಾನ್ಯ ಸಚಿವರು ಈ ಮಸೂದೆ ಪಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಈ ಮಸೂದೆಯ ಮೂಲ ಉದ್ದೇಶಕ್ಕೆ ಧಕ್ಕೆ ಬಂದಿದೆ. ಆದುದರಿಂದ ಪುನಃ ಸರಿಯಾಗಿ ರೂಪುಗೊಂಡು ಈ ಸಭೆಗೆ ಬರಲಿ. ಅಂದರೆ ಸಭೆಯ ಮನ್ನಣೆಗೆ ಪಾತ್ರವಾಗುತ್ತದೆ. ಸೆಕೆಂಡರಿ ಎಜ್ಯುಕೇಷನ್ ಬಗ್ಗೆ ಲಕ್ಷ್ಮಣಸ್ವಾಮಿ ಮುದಲಿಯಾರ್ ಅವರು ಒಂದು ರಿಪೋರ್ಟು ತಯಾರು ಮಾಡಿದ್ದಾರೆ. ಅನೇಕ ಶಿಕ್ಷಣವೇತ್ತರು, ತಜ್ಞರು ಈ ಎಗ್ಜಾಮಿನೇಷನ್ ಬೋರ್ಡು ಯಾವ ರೀತಿ ಇರಬೇಕು ಎಂಬುದನ್ನು ಹೇಳಿದ್ದಾರೆ. ಲಕ್ಷ್ಮಣಸ್ವಾಮಿ ಮುದಲಿಯಾರ್ ಕಮಿಟಿ ರಿಪೋರ್ಟಿನಲ್ಲಿ ಹೇಳಿರುವ ಹಾಗೆ ಬೋರ್ಡು ರಚನೆ ಮಾಡ ಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಈ ಮಸೂದೆ ಪ್ರಕಾರ ರಚನೆಯಾಗತಕ್ಕ ಬೋರ್ಡಿನಲ್ಲಿ 42 ಜನ ಮೆಂಬರ್ಸ್ ಇರುತ್ತಾರೆ. ಇದು ಎಂಥ ವಿಚಿತ್ರ ಬೋರ್ಡು ? ಚಿಕ್ಕದಾದ ಬೋರ್ಡು ಇದ್ದರೆ ಕೆಲಸ ಚೆನ್ನಾಗಿ ಸಡೆಯುತ್ತದೆ. ಪರೀಕ್ಷೆ ತೆಗೆದುಕೊಳ್ಳುವ ಒಂದೇ ಕೆಲಸ ಇರುತ್ತದೆ. ಬೇರೆ ಯಾವ ಕೆಲ ಸವೂ ಇಲ್ಲ. ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯ ಮಾತ್ರ ಇದೆ. ಇಂಥ ದೊಡ್ಡ ಬೋರ್ಡು ಎತಕ್ಕೆ ಮಾಡಿ ದ್ದೀರಿ ? ಈ ಅಂಶವನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯಲ್ಲಿ ಸರಿಯಾಗಿ ತಿದ್ದುಪಡಿ ಮಾಡಿಲ್ಲ. ಇದಕ್ಕೆ ಗಮನ ಕೊಟ್ಟು ಸರಿಯಾಗಿ ಮಾರ್ಪಾಟು ಮಾಡುತ್ತಾರೆಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೆ. ಇದುವರೆಗೆ ಪರೀ ಕ್ಷೆಗಳು ಸರಿಯಾಗಿ ನಡೆಯುತ್ತಿಲ್ಲ. ಪರೀಕ್ಷೆಯ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಗಳು ಪೇಟೆಯಲ್ಲಿ ಮಾರಾಟವಾಗುತ್ತವೆ. ಪರೀಕ್ಷೆಯ ಗುಟ್ಟು ರಟ್ಟಾಗುತ್ತದೆ. ಪರೀಕ್ಷೆಯ ಬಗ್ಗೆ ರಹಸ್ಯವಾಗಿ ಇರಬೇಕಾದ ವಿಷಯ ಈ ರೀತಿ ನಡೆಯುವುದು ಸರಿಯಲ್ಲ.

Business of the House.

Mr. SPEAKER.—I am wrong. It is seen from yesterday proceedings that I have said : "a request has come that there is some big function for which members are invited. A large number of them are anxious to go. If that is so, I think, we may sit a little earlier and adjourn by 5 P. M." Elsewhere I have said that the function is at 5 P. M. and how distant the place is and all that. Therefore I do not want to work beyond 5 P. M. to-day. But, I want that there must be some definiteness about the understanding we arrive at. If it is to be brushed aside, then, it becomes exceedingly difficult.